

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE, INC.,

Plaintiff,

v.

AIMJUNKIES.COM, et al.,

Defendant.

C21-0811 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Having reviewed the Declaration of William Rava, docket no. 143, filed by Plaintiff in response to the Court’s Minute Order, docket no. 142, awarding Plaintiff attorneys’ fees as a sanction for David Schaefer’s conduct at the March 20, 2023, Rule 30(b)(6) deposition of Phoenix Digital Group LLC (“Phoenix Digital”):

(a) The Court awards \$5,000 in attorneys’ fees to Plaintiff. The Court’s “inherent powers must be exercised with restraint and discretion.” *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44 (1991) (internal citation omitted). Plaintiff seeks an award of \$17,478.25 in fees and costs. Rava Decl. at ¶ 2 (docket no. 142). In light of the brief length of the deposition and the fact that, despite Schaefer’s conduct, Plaintiff was able to elicit relevant testimony from him at the deposition, the Court finds \$17,478.25 to be an excessive sanction for Schaefer’s conduct.

(b) Phoenix Digital is ORDERED to pay \$5,000 to Plaintiff as a sanction for Schaefer’s harassing and unprofessional behavior at the March 20, 2023, Rule 30(b)(6) deposition of Phoenix Digital.

1 (2) Having reviewed the Declaration of William Rava, docket no. 192, filed by
2 Plaintiff in response to the Court's Minute Order, docket no. 180, granting in part
3 Defendants' motion to substitute expert witness and awarding Plaintiff its reasonable
4 attorneys' fees for preparation and attendance at the deposition of Defendants' former
5 expert witness:

6 (a) The Court awards \$7,500 in attorneys' fees to Plaintiff. The Court
7 has reviewed the fee request and concludes that an hourly rate of \$1,145 for Mr. Rava is
8 excessive. Many of the tasks he performed (*i.e.*, for example, coordinating deposition
9 logistics, arranging for a court reporter, preparing and serving notice, organizing
10 deposition exhibits, and communicating with opposing counsel) could have been handled
11 by a paralegal. In addition, the Court concludes that the recovery of attorneys' fees in
12 excess of \$7,500 is not justified under all the circumstances.

13 (b) Defendants are ORDERED to pay \$7,500 in attorneys' fees to
14 Plaintiff for Plaintiff's preparation and attendance at the deposition of Defendants'
15 former expert witness.

16 (3) The attorneys' fees, in the total amount of \$12,500, must be paid to Plaintiff
17 no later than November 21, 2023.

18 (4) The Clerk is directed to send a copy of this Minute Order to all counsel of
19 record.

20 Dated this 31st day of October, 2023.

21 Ravi Subramanian
22 Clerk

23 s/Laurie Cuaresma
Deputy Clerk